

R162. Commerce, Real Estate.

R162-8. Prelicensing Education.

R162-8-1. Definitions:

- ~~8.1.1 For the purposes of this rule, "school" includes:~~
- ~~8.1.1.1 Any college or university accredited by a regional accrediting agency which is recognized by the United States Department of Education;~~
- ~~8.1.1.2 Any community college, vocational technical school, state or federal agency or commission;~~
- ~~8.1.1.3 Any nationally recognized real estate organization, any Utah real estate organization, or any local real estate organization which has been approved by the Real Estate Commission;~~
- ~~8.1.1.4 Any proprietary real estate school.~~
- ~~8.1.2 For the purposes of this rule, "applicant" shall include school directors, school owners and pending instructors.~~

8-1. School Application for Certification.

8.1 Prelicense education credit shall be given to students only for courses provided by schools that are certified by the Division at the time the courses are taught. Applicants shall apply for school certification by submitting all forms and fees required by the Division not less than 90 days prior to a course being taught. Applications shall include at minimum the following information which will be used in determining approval:

- 8.1.1 Name, phone number and address of the school, the school director, and all owners of the school;
- 8.1.1.1 The school director shall obtain approval of the school name from the Division prior to registering that name with the Division of Corporations and Commercial Code in the Department of Commerce as a real estate education provider.
- 8.1.2 A description of the type of school and a description of the school's physical facilities;
- 8.1.2.1 Except for distance education courses, all courses must be taught in an appropriate classroom facility and not in any private residence.
- 8.1.3 A comprehensive course outline including a description of the course, the length of time to be spent on each subject area broken into class periods, and a minimum of three to five learning objectives for every three hours of class time;
- 8.1.3.1 All courses of study shall meet the minimum standards set forth in the State of Utah Standard Course Outline provided for each approved course. The school may alter the sequence of presentation of the required topics.
- 8.1.3.2 The school director shall certify that all courses of study will meet the minimum hourly requirement of that course.
- 8.1.3.3 The school director shall certify that the school will not give a student credit for more than eight credit hours per day.
- 8.1.4 The name and certification number of each certified instructor and/or the name and resume documenting the knowledge and expertise of each guest lecturer who will teach the course;
- 8.1.4.1 A college or university may use any faculty member to teach an approved course provided the instructor demonstrates to the satisfaction of the Division academic training or experience qualifying him to teach the course.
- 8.1.5 An identification of whether the method of instruction will be traditional education or distance education;
- 8.1.6. A school seeking certification of distance education prelicensing courses shall:
- 8.1.6.1 submit to the Division a complete description of all course delivery methods and all media to be used;
- 8.1.6.2 provide course access to the Division using the same delivery methods and media that will be provided to the students;
- 8.1.6.3 describe specific and regularly scheduled interactive events included in the course and appropriate to the delivery method that will contribute to the students' achievement of the stated learning objectives;
- 8.1.6.4 describe how the students' achievement of the stated learning objectives will be measured at regular intervals;
- 8.1.6.5 describe how and when prelicense instructors will be available to answer student questions;
- 8.1.6.6 provide an attestation from the school director of the availability and adequacy of the equipment, software, and other technologies needed to achieve the course's instructional claims.
- 8.1.7 A copy of at least two final examinations of the course and the answer keys which are used to determine if the student has passed the exam, accompanied by an explanation of procedure if the student fails the final examination and thereby fails the course.
- 8.1.7.1 A maximum of 10% of the required class time may be spent in testing, including practice tests and the final examination. A student cannot challenge a course or any part of a course of study in lieu of attendance or active participation.
- 8.1.8 A list of the titles, authors and publishers of all required textbooks;
- 8.1.8.1 All texts, workbooks, supplements, and any other materials must be appropriate and current in their application to the required course outline.
- 8.1.9 Days, times and locations of classes;
- 8.1.9.1 A college or a university may schedule its courses within the criteria of its regular schedule, for example, quarter, semester, or other. A college quarter hour credit is the equivalent of 10 classroom hours, and a college semester hour credit is the equivalent of 15 classroom hours.
- 8.1.10 A copy of the statement which shall be provided for each student outlining the days, times and locations of classes; the number of quizzes and examinations; the grading system, including methods of testing and standards of grading; the requirements for attendance; the school's evidence of notification to candidates of the qualifying questionnaire; and the school's refund policy;

8.1.11 A copy of the statement which shall be provided to each student in capital letters no smaller than 1/4 inch containing the following language: "A student attending the (school name) is under no obligation to affiliate with any of the real estate brokerages that may be soliciting for agents at this school;" and

8.1.12 Any other information as the Division may require.

R162-8-2. Determining Fitness for School Certification.

8.2 The Division, with the concurrence of the Commission, shall certify schools based on the honesty, integrity, truthfulness, reputation and competency of the school director and school owners.~~[In order to be certified as a real estate school, the school directors and owners of the school must have integrity and be honest, truthful, reputable and competent. The determination of whether an applicant possesses these qualifications will be made by the Division, with the concurrence of the Commission.~~

~~8.2.1 In determining fitness for certification, the Division and Commission will consider information which shall include the following:~~

~~(a) whether the applicant has had a license to practice in the real estate profession, or any other regulated profession or occupation, denied, restricted, suspended, or revoked or subjected to any other disciplinary action by this or another jurisdiction;~~

~~(b) whether the applicant has been permitted to resign or surrender a real estate license or any other professional license or has ever allowed a license to expire while the applicant was under investigation by, or while action was pending against the applicant by a real estate licensing or any other regulatory agency;~~

~~(c) whether any action is pending against the applicant by any real estate licensing or other regulatory agency;~~

~~(d) whether the applicant is currently under investigation for, or charged with, or has ever been convicted of or pled guilty or no contest to, or entered a plea in abeyance to, a misdemeanor or felony;~~

~~(e) whether the applicant has ever been placed on probation or ordered to pay a fine or restitution in connection with any criminal offense or a licensing action;~~

~~(f) whether a civil judgment has ever been entered against the applicant based on fraud, misrepresentation or deceit, and whether the judgment has been fully satisfied;~~

~~(g) whether restitution ordered by a court in a criminal conviction has been fully satisfied;~~

~~(h) whether the probation in a criminal conviction or a licensing action has been completed and fully served; and~~

~~(i) whether there has been subsequent good conduct on the part of the applicant. If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it shall appear to the Commission and the Division that the interest of the public will not likely be in danger by the granting of a certification, the Commission and the Division may approve the applicant relating to honesty, integrity, truthfulness, reputation and competency.]~~

[R162-8-3. School Application for Certification.

~~8.3 A school offering prelicensing education must be certified by the Division of Real Estate before providing any education. Each school requesting approval of an educational program designed to meet the prelicensing education requirements must make application for approval on the form prescribed by the Division. The application must include the application fee, as authorized by Section 61-2-9(5)(d), and the following information which will be used in determining the school's eligibility for approval:~~

~~8.3.1 Name, phone number and address of the school, school director, and all owners of the school;~~

~~8.3.1.1 A real estate school shall obtain approval of the name under which it intends to provide prelicensing education prior to registering that name with the Division of Corporations of the Department of Commerce as a real estate education provider.~~

~~8.3.2 A description of the type of school and a description of the school's physical facilities;~~

~~8.3.2.1 All courses must be taught in an appropriate classroom facility and not in any private residence, except for courses approved for specific home study purposes.~~

~~8.3.3 A comprehensive course outline including a description of the course, the length of time to be spent on each subject area broken into class periods, and a minimum of three to five learning objectives for every three hours of classroom time, and applicable application fee;~~

~~8.3.3.1 All courses of study will meet the minimum standards set forth in the State of Utah Standard Course Outline provided for each approved course. The school may alter the sequence of presentation of the required topics.~~

~~8.3.3.2 All courses of study will meet the minimum hourly requirement of that course. A credit hour is defined as 50 minutes of supervised contact by a certified instructor within a 60 minute time period. A 10 minute break will be given for each 50 minutes in class. Education credit will be limited to a maximum of eight credit hours per day. The limitation applies only to the credit a student may receive and is not intended to limit the number of classroom hours offered.~~

~~8.3.4 A list of each certified instructor and adjunct instructor the school intends to use and the instructor certification number which has been issued by the Division.~~

~~8.3.4.1 A college or university may use any faculty member to teach an approved course provided the instructor demonstrates to the satisfaction of the Division academic training or experience qualifying him to teach the course.~~

~~8.3.4.2 The school shall submit the name of any guest lecturer and a resume which defines the knowledge and expertise of the guest. Names shall be submitted prior to the guest being used by the school.~~

~~8.3.5 An itemization of methods of instruction, including lecture method, slide presentation, cassette, videotape, movie, or other method. Absent special approval from the Division:~~

- ~~8.3.5.1 Non lecture methods of instruction will be limited to a total of 50% of the allotted credit hours.~~
- ~~8.3.5.2 Non lecture methods of instruction will have an accompanying workbook for the student to complete during the viewing time. The schools shall submit copies of the workbooks to the Division.~~
- ~~8.3.5.3 Non lecture methods of instruction will have a certified instructor available to answer questions within at least 24 hours after the presentation.~~
- ~~8.3.6 A copy of at least two final examinations of the course and the answer keys which are used to determine if the student has passed the exam, accompanied by an explanation of what the procedure is if the student fails the final examination and thereby fails the course.~~
- ~~8.3.6.1 A maximum of 10% of the required class time may be spent in testing, including practice tests and the final examination. A student cannot challenge a course or any part of a course of study in lieu of attendance.~~
- ~~8.3.7 A list of the titles, authors and publishers of all required textbooks;~~
- ~~8.3.7.1 All texts, workbooks, supplement pamphlets and any other materials must be appropriate and current in their application to the required course outline.~~
- ~~8.3.8 Days, times and locations of classes;~~
- ~~8.3.8.1 A college or a university may schedule its courses within the criteria of its regular schedule, for example, quarter, semester, or other. A college quarter hour credit is the equivalent of 10 classroom hours, and a college semester hour credit is the equivalent of 15 classroom hours.~~
- ~~8.3.9 A copy of the statement which shall be provided for each student outlining the days, times and locations of classes; the number of quizzes and examinations; the grading system, including methods of testing and standards of grading; the requirements for attendance; the school's evidence of notification to candidates of the qualifying questionnaire; and the school's refund policy.~~
- ~~8.3.9.1 The statement to the student shall state in capital letters no smaller than 1/4 inch the following language: "Any student attending the (school name) is under no obligation to affiliate with any of the real estate brokerages that may be soliciting for agents at this school."~~
- ~~8.3.10 Any other information as the Division may require.~~

R162-8-[4]3. School Certification and Renewal.

~~8.4]3 [When a school has met all conditions of certification, and upon approval by the Division, a school will be issued certification. Until January 1, 2005, all certifications will be issued by the calendar year and will expire on December 31. Beginning on January 1, 2005, school certifications will be issued for a two year period and will expire twenty four months from the date of issuance. School certifications may be renewed by submitting a properly completed application for renewal prior to the expiration of the school's current certification, using the form required by the Division. Until January 1, 2005, the term of a renewed school certification shall be one calendar year. Beginning on January 1, 2005, the term of a renewed school certification shall be twenty four months. Conditions of certification include the following:]The term of a school certification is twenty-four months. A certification may be renewed by submitting all forms and fees required by the Division prior to the expiration date of the current certification. School certifications not properly renewed shall expire on the expiration date.~~

~~8.3.1 A certification may be reinstated for a period of thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.~~

~~8.3.2 A certification may be reinstated after thirty days and within six months after expiration by complying with all requirements for a timely renewal and payment of a non-refundable reinstatement fee.~~

~~8.3.3 A certification that has been expired for more than six months may not be reinstated and an applicant must apply for a new certification following the same procedure as an original certification.~~

R162-8-4. School Conduct and Standards of Practice.

~~8.4.1 In order to maintain good standing and renew a certification, a course sponsor shall:~~

~~8.4.1.1 [A school shall]teach the approved course of study as outlined in the State Approved Course Outline[-];~~

~~8.4.1.2 [A school shall]require each student to attend the required number of hours and pass a final examination[-];~~

~~8.4.1.3 [A school shall]maintain a record of each student's attendance for a minimum of [five]three years after enrollment[-];~~

~~8.4.1.3]4 [A school shall]not accept a student for a reduced number of hours without first having a written statement from the Division which defines the exact number of hours the student needs[-];~~

~~8.4.1.4]5 [A school shall]not make any misrepresentation in its advertising about any course of instruction, and shall be able to provide substantiation of any claims made. All advertising and public notices shall be free of statements or implications which do not enhance the dignity and integrity of the real estate profession. A school shall not make disparaging remarks about a competitor's services or methods of operation[-];~~

~~8.4.1.5]6 [A school shall]limit approved guest lecturers who are experts in related fields to a total of 20% of the instructional hours per approved course. A guest lecturer shall provide evidence of professional qualifications to the Division prior to being used as a guest lecturer[-];~~

~~8.4.1.6]7 [W]ithin 15 calendar days after the occurrence of any material change in the school which would affect its approval, the school shall give the Division written notice of that change[-];~~

~~8.4.1.[7]8 [A school shall]not attempt by any means to obtain or use the questions on the precicensing examinations unless the questions have been dropped from the current exam bank[-];~~

~~8.4.1.[8]9 [A school shall]not give any valuable consideration to a real estate brokerage for having referred students to the school. A school shall not accept valuable consideration from a brokerage for having referred students to the brokerage[-];~~

~~8.4.1.[8]9.1 If the school agrees, real estate brokerages may be allowed to solicit for agents at the school. No solicitation may be made during the class time nor during the student break time. Solicitation may be made only after the regularly scheduled class so that no student will be obligated to stay for the solicitation[-];~~

~~8.4.1.[9]10[-] [A school shall]use only certified instructors or guest lecturers who have been registered with the Division[-];~~

~~[8.4.10 A school's owners and director shall be solely responsible for the quality of instruction in the school and for adherence to the state laws and regulations regarding school and instructor certification.~~

~~8.4.10.1 A school director shall]8.4.1.11 provide the instructor with the approved content outline for each course and shall assure the content has been taught[-];~~

~~8.4.1.12 provide a course completion certificate in the form approved by the Division to each student upon the student's completion of the precicensing course;~~

~~8.4.1.13 furnish to the Division a current roster of the school's approved instructors and guest lecturers. A school shall provide an updated roster to the Division each time there is a change in school instructors or guest lecturers;~~

~~8.4.1.14 give no more than eight credit hours per day to any student;~~

~~8.4.1.15 provide a written disclosure to any prospective student, prior to accepting payment for a preclicense course, stating that: a) a student with a criminal history may possibly not qualify for a license; b) an applicant with a criminal history may be required to appear at a hearing before the Utah Real Estate Commission and the Director of the Division of Real Estate to seek approval to license; and there is no guarantee that such an applicant will be approved; and c) all applicants for a sales agent license will be required to submit to the Division with their applications fingerprint cards that will be used in the criminal background check;~~

~~8.4.1.15.1 The school shall be required to obtain the student's signature on the written disclosure required by Section 8.4.1.15 acknowledging receipt of the disclosure. The disclosure form and acknowledgement shall be retained in the school's records and made available for inspection by the Division for a minimum of three years following the date upon which the student completed the precicensing course; and~~

~~8.4.2 A school's owners and directors shall be responsible for the quality of instruction in the school and for adherence to the state statutes and administrative rules regarding school and instructor certification.~~

R162-8-5. Instructor Application for Certification.

~~8.5 An instructor shall not teach a precicensing course without having been certified by the Division prior to teaching.~~

~~Applicants shall apply for instructor certification by submitting all forms and fees required by the Division not less than 30 days prior to the course being taught. Applications shall include at minimum the following information which will be used in determining approval:~~

~~8.5.1 Name and certification number of the certified preclicense school for which the applicant will work;~~

~~8.5.2 Evidence of a minimum educational level of graduation from high school or its equivalent;~~

~~8.5.3 Evidence of any combination of at least five years of full time experience and/or college-level education related to the course subject;~~

~~8.5.4 Evidence of a minimum of twelve months of fulltime teaching experience or an equivalent number of months of part time teaching experience, or attendance at Division Instructor Development Workshops totaling at least two days in length; and~~

~~8.5.5 Evidence of having passed an examination designed to test the knowledge of the subject matter proposed to be taught;~~

~~8.5.6 To teach the sales agent precicensing course, evidence of being a licensed sales agent or broker;~~

~~8.5.7 To teach the broker precicensing course, evidence of being a licensed associate broker, branch broker, or principal broker;~~

~~8.5.7.1 An applicant may qualify to teach a subcourse of the broker precicensing course by meeting the following criteria:~~

~~(a) Brokerage Management. The instructor applicant must be a licensed real estate broker and have managed a real estate office, or hold a CRB or equivalent professional designation in real estate brokerage management. The instructor applicant must have at least two years practical experience as an active real estate principal broker.~~

~~(b) Advanced Real Estate Law. The instructor applicant must be a licensed real estate broker or be a current member of the Utah State Bar or have graduated from an American Bar Association accredited law school and have at least two years real estate law experience.~~

~~(c) Advanced Appraisal. The instructor applicant must be a licensed real estate broker, or be a state-licensed or state-certified appraiser.~~

~~(d) Advanced Finance. The instructor applicant must be a licensed real estate broker or have been associated with a lending institution as a loan officer or have a degree in finance. The instructor applicant must have at least two years practical experience in real estate finance.~~

~~(e) Advanced Property Management. The instructor applicant must be a real estate licensee. The instructor applicant must have at least two years property management experience or hold a CPM or equivalent professional designation. The instructor applicant must have at least two years full-time experience as a property manager.~~

8.5.8 A signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the Division or its representative;

8.5.9 A signed statement agreeing not to market personal sales product; and

8.5.10 Any other information as the Division may require.

R162-8-[5]6. Determining Fitness for Instructor Certification.

8.6 The Division, with the concurrence of the Commission, shall certify instructors based on the applicant's honesty, integrity, truthfulness, reputation, and competency.[8.5. In order to be certified as a real estate instructor, the instructor applicant must have integrity and be honest, truthful, reputable and competent. The determination of whether an applicant possesses these qualifications will be made by the Division, with the concurrence of the Commission.

8.5.1. In determining fitness for certification, the Division and Commission will consider information which shall include the following:

(a) whether the applicant has had a license to practice in the real estate profession, or any other regulated profession or occupation, denied, restricted, suspended, or revoked or subjected to any other disciplinary action by this or another jurisdiction;

(b) whether the applicant has been permitted to resign or surrender a real estate license or any other professional license or has ever allowed a license to expire while the applicant was under investigation by, or while action was pending against the applicant by a real estate licensing or any other regulatory agency;

(c) whether any action is pending against the applicant by any real estate licensing or other regulatory agency;

(d) whether the applicant is currently under investigation for, or charged with, or has ever been convicted of or pled guilty or no contest to, or entered a plea in abeyance to, a misdemeanor or felony;

(e) whether the applicant has ever been placed on probation or ordered to pay a fine or restitution in connection with any criminal offense or a licensing action;

(f) whether a civil judgment has ever been entered against the applicant based on fraud, misrepresentation or deceit and whether the judgment has been fully satisfied;

(g) whether restitution ordered by a court in a criminal conviction has been fully satisfied;

(h) whether the probation in a criminal conviction or a licensing action has been complete and fully served; and

(i) whether there has been subsequent good conduct on the part of the applicant. If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it shall appear to the Commission and the Division that the interest of the public will not likely be in danger by the granting of a certification, the Commission and the Division may approve the applicant relating to honesty, integrity, truthfulness, reputation and competency.]

[R162-8-6. Instructor Application for Certification.

8.6 An instructor shall not teach a prelicensing course by himself without having been certified by the Division prior to teaching. Each instructor and each adjunct instructor requesting approval to be certified to teach the education requirements of real estate licensing must make application for approval on a form prescribed by the Division.

8.6.1 The instructor and the adjunct instructor applicant will demonstrate the initial ability to teach by either meeting the minimum point requirement outlined on the application form or by receiving a conditional approval granted by the division. The application form shall be received by the Division before the instructor applicant can begin to teach in the classroom.

8.6.1.1 In the event an instructor candidate fails to meet the minimum point requirement outlined on the application form, and upon written recommendation from the certified school, the division may issue a conditional approval for the candidate to proceed into the instructor apprentice program.

8.6.1.2 The applicant receiving a conditional approval from the division will complete the apprentice teaching as outlined in 8.6.2.2 and 8.6.2.3 or as outlined in 8.6.4.1 and 8.6.4.2. and will be audited during the apprentice teaching by the education director of the division using the same evaluation form being used by the students.

8.6.1.3 The applicant receiving a conditional approval will need to receive the same satisfactory recommendation as outlined in 8.6.2.4 or 8.6.4.3 in addition to approval from the education director of the division before becoming certified.

8.6.2 The instructor applicant for the 90 hour salesagent prelicensing course will complete an instructor apprentice program, the requirements of which are the following:

8.6.2.1 The instructor applicant will either audit each course to be taught by him and prepare teaching notes on the course of study; or

8.6.2.2 The instructor applicant will co teach the course with a fully certified instructor; and thereafter

8.6.2.3 The instructor applicant will teach the course under the direction of a fully certified instructor. The instructor will teach the curriculum as provided by the school.

8.6.2.4 The school will provide to the division evidence of a satisfactory recommendation made by the certified instructor and the school director. The school will also provide to the division satisfactory evaluations of the apprentice instructor made by the students attending the class the instructor taught as an apprentice. The evaluations will be graded on a 5 point scale, and the apprentice instructor must have received a minimum of a 3.5 point average on the evaluations.

8.6.2.5 The instructor applicant shall pass an examination designed to test the knowledge of the subject matter proposed to be taught.

~~8.6.2.6 This instructor, once certified, shall have the authority to teach all segments of the sales agent curriculum and any classes certified for continuing education regarding real estate principles and practices.~~

~~8.6.3 The instructor applicant for a broker prelicensing subcourse will be a principal broker, an associate broker or a branch broker and will meet the following criteria:~~

~~8.6.3.1 Brokerage Management. The instructor applicant must be a licensed broker and have managed a real estate office, or hold a CRB or equivalent designation in real estate brokerage management. The instructor applicant must have at least two years practical experience as an active real estate principal broker.~~

~~8.6.3.2 Advanced Real Estate Law. The instructor applicant must be a current member of the Utah Bar Association or have graduated from an American Bar Association law school. The instructor applicant must have at least two years practical experience in the field of real estate law.~~

~~8.6.3.3 Advanced Appraisal. The instructor applicant must be a state certified appraiser and hold a MAI or equivalent designation. The instructor applicant must have at least two years practical experience in appraising.~~

~~8.6.3.4 Advanced Finance. The instructor applicant must have been associated with a lending institution as a loan officer or have a degree in finance. The instructor applicant must have at least two years practical experience in real estate finance.~~

~~8.6.3.5 Advanced Property Management. The instructor applicant must be a real estate licensee. The instructor applicant must hold a CPM or equivalent designation. The instructor applicant must have at least two years full time experience as a property manager.~~

~~8.6.3.6 Equivalent Qualifications. The instructor applicant must have other experience, education, or credentials which are equivalent to any of the above as determined by the Division and the Commission.~~

~~8.6.4 The adjunct instructor applicant may be certified to teach a portion of the sales agent prelicensing course or a portion of a broker subcourse with certification limited to teaching a specific subject. The applicant will complete an instructor apprentice program, the requirements of which are the following:~~

~~8.6.4.1. The instructor applicant will either audit each course to be taught by him and prepare teaching notes on the course of study; or~~

~~8.6.4.2 The instructor applicant will co teach the specific subject with a fully certified instructor; and thereafter~~

~~8.6.4.3 The instructor applicant will teach the specific subject under the direction of a fully certified instructor. The instructor will teach the curriculum as provided by the school.~~

~~8.6.4.4 The school will provide to the division evidence of a satisfactory recommendation made by the certified instructor and the school director. The school will also provide to the division satisfactory evaluations of the apprentice instructor made by the students attending the class the instructor taught as an apprentice. The evaluations will be graded on a 5 point scale, and the apprentice instructor must have received a minimum of a 3.5 point average on the evaluations.~~

JR162-8-7. Instructor Certification Renewal.

~~[8.7 Upon approval by the Division, an instructor applicant will be issued certification. All original instructor certifications expire twenty four months after issuance.~~

~~8.7.1 Instructor certifications may be renewed by submitting a properly completed application for renewal prior to the expiration date of the instructor's current certification, using the form required by the Division. Renewed instructor certifications will be issued for a twenty four month period. Conditions of renewal of certification include providing proof of the following:~~

~~8.7.1.1 Must have taught at least 20 hours of in class instruction in a certified real estate course during the preceding two years;~~

~~8.7.1.2 Must have attended a real estate instructor development workshop sponsored by the Division during the preceding two years; and~~

~~8.7.1.3 Must have completed 12 hours of live education taken in a real estate related subject in addition to the 12 hours of continuing education required for license renewal, and will provide a written evaluation of the course(s) and instructor(s) to the Division at time of renewal on a specific instructor evaluation form provided by the Division.~~

~~8.7.2 If the instructor does not submit a properly completed renewal form, the renewal fee, and any required documentation prior to the expiration date of the instructor's current certification, the certification shall expire.~~

~~8.7.2.1 When a certification expires, the certification may be reinstated for a period of thirty days after the expiration date upon payment of a non refundable late fee in addition to the requirements of Section R162 8.7.1.1 through R162 8.7.1.3.~~

~~8.7.2.2 After this thirty day period, and until three months after the expiration date, an instructor certification may be reinstated upon payment of a non refundable fee and completion of 6 classroom hours of education related to real estate or teaching techniques in addition to the requirement of Sections R162 8.7.1.1 through R162 8.7.1.3.~~

~~8.7.2.3 After the three month period, those instructors and adjunct instructors not meeting the conditions for renewal of certification must apply as an original applicant.~~
[8.7 The term of a prelicensing education instructor certification is twenty-four months. A certification may be renewed by submitting all forms and fees required by the Division prior to the certification's expiration date.

8.7.1 Certifications not properly renewed shall expire on the expiration date.

8.7.1.1 A certification may be reinstated for a period of thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.

8.7.1.2 A certification may be reinstated after thirty days and within six months after expiration by complying with all requirements for a timely renewal and payment of a non-refundable reinstatement fee.

8.7.1.3 A certification that has been expired for more than six months may not be reinstated and an applicant must apply for a new certification following the same procedure as an original certification.

8.7.2 To renew an instructor certification an instructor shall, during the two years prior to renewal:

8.7.2.1 teach at least 20 hours of in-class instruction in a certified real estate course; and

8.7.2.2 attend an instructor development workshop sponsored by the Division.

[R162-8-8. Administrative Proceedings.

~~8.8 The Division may deny certification or renewal of certification to any school or instructor that does not meet the standards required by this chapter in accordance with Section R162-10 of these rules.~~

R162-8-9. Disclosure Requirements.

~~8.9 Criminal History. For the purposes of this rule, criminal history is defined as any felony or misdemeanor convictions, any pleas in abeyance or diversion agreements, or any pending any criminal charges.~~

~~8.9.1 Prior to accepting payment from a prospective student for a pre-licensing education course, a certified school shall provide a written disclosure to the prospective student stating that: a) a student with a criminal history may possibly not qualify for a license; b) an applicant with a criminal history may be required to appear at a hearing before the Utah Real Estate Commission and the Director of the Division of Real Estate to seek approval to license, and there is no guarantee that such an applicant will be approved; and c) all applicants for a sales agent license will be required to submit to the division with their applications fingerprint cards that will be used in criminal background checks.~~

~~8.9.2 The school shall be required to obtain the student's signature on the written disclosure required by Section 8.9 acknowledging receipt of the disclosure. The disclosure form and acknowledgement shall be retained in the school's records and made available for inspection by the division for a minimum of two years following the date upon which the student completes the pre-licensing course.~~

]KEY: real estate business

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